

**PROPOSED AMENDMENTS TO LOCAL RULES OF PRACTICE,
CRIMINAL COURT, HAMILTON COUNTY, TENNESSEE**

16 November 2004
Comment by 16 December 2004

Please submit all written comments by 16 December 2004 to Gwen Tidwell, Clerk,
Criminal Court, 600 Market Street, Room 102, Chattanooga, Tennessee, 37402.

**LOCAL RULES OF PRACTICE IN THE CRIMINAL COURT,
HAMILTON COUNTY, TENNESSEE**

**II
NEGOTIATIONS AND SETTLEMENTS**

If the State and a defendant reach a satisfactory settlement of a case, then the agreement may be presented to the Court on a trial or motion date agreeable to the parties upon sufficient notification to the Clerk.

Negotiations for settlement shall cease thirty (30) days before the trial date and no negotiated settlement will be accepted by the Court after that date without good cause and leave of Court.

Comment

The addition of this rule, which, in accordance with Tenn. Sup. Ct. R. 18(a), establishes deadlines for negotiations and settlements in criminal cases, will necessitate the renumbering of subsequent rules.

APPENDIX 1. BONDING COMPANY RULES AND REGULATIONS

**II
COLLATERAL**

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[A]2. The term of a Certificate of Deposit shall be for a period of time not to exceed one year. Any interest accruing on the Certificate of Deposit will not be considered as additional collateral and shall be paid by the financial institution to the bonding company upon maturity of the Certificate. Any notices or statements issued by the financial institution shall be mailed to both the Criminal Court Clerk and the bonding company.

**III
LIMITS**

A. Any company approved by the Court and operating on posted cash collateral may write total bonds in an amount equal to fifteen (15) times the amount of the cash collateral posted with the Criminal Court Clerk.

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B. A bonding company having real property posted as collateral and complying with these rules will be allowed a total bond limit in an amount equal to (1) ten times the appraised value of the property or (2) \$175,000.00, whichever is less.

IV FORFEITURES

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C. Bonding companies that have exceeded their forfeiture limit at the time of the monthly review by the Clerk shall be removed from the list of approved companies and shall not be allowed to write any bail bonds until the forfeitures are again within the company's allowable limits. A company has exceeded its forfeiture limit when the sum of conditional and final forfeitures in the Hamilton County Criminal Court plus the sum of final forfeitures in the Hamilton County General Sessions Court exceeds the amount of collateral posted and pledged with the Criminal Court Clerk.

XIV DRESS CODE

A. All professional bail bondsmen, their agents, representatives, and employees appearing before or addressing the Court shall be appropriately attired.

1. All males shall wear shirts with collars and long pants. Appropriate footwear shall not include sandals.
2. All females shall wear either a dress, skirt with blouse, or full-length slacks with shirt or blouse.

Comment

The addition of a rule establishing a dress code will necessitate the renumbering of subsequent rules.

XVI AMENDMENTS

[A]1. Upon amendment, the Criminal Court Clerk shall notify all bonding companies then in existence by certified mail, return receipt requested, or by personal delivery with a signed receipt for same.

Comment

This amendment is merely to correct a misspelling, not to effect a substantive change in the rule.